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RIXEY v. RIXEY et al.

January 12, 1905.

[49 S. E. 586.]

PARENT AND CHILD—CONVEYANCES BETWEEN—PRESUMPTION OF VALIDITY—
BURDEN OF PROOF—CONSIDERATION.

1. Contracts and conveyances by which benefits are secured by a parent to a child are generally presumed to be free from suspicion, and the person who claims they were procured by undue influence has the burden of proof.

2. Though there is a considerable disparity between the money consideration and the value of land conveyed by a mother to two of her daughters, it will not be set aside, at the suit of other children, where there is no evidence of fraud or undue influence, and the conveyance recites that the grantees have attended to all of the grantor's business and have cared for her, and reserves a vendor's lien to enforce a covenant that the grantees will care for and support the grantor during the remainder of her life.

JOHNSON et al. v. BLACK et al.

January 26, 1905.

[49 S. E. 633.]

EQUITY—MULTIFARIOUSNESS—PUBLIC OFFICES—PAYMENT OF ILLEGAL SALARIES—SUIT BY TAXPAYER—JURISDICTION—LACHES—LIMITATIONS.

1. The bill in a suit by a number of taxpayers of a county against the members of the board or supervisors and a number of their predecessors in office to compel defendants to restore to the county moneys paid them in excess of their salaries, in which the same defenses were made by each defendant, was not multifarious.

3. Va. Code 1904, p. 398, sec. 836, provides that all improper accounts presented to the board of supervisors shall be resisted by the commonwealth attorney, and that, when required by six freeholders of the county, he shall appeal from any decision of the board to the circuit court within 30 days. *Held*, that equity is not without jurisdiction to entertain a suit by a number of the taxpayers of a county against the board of supervisors and a number of their predecessors to compel them to restore to the county moneys paid them in excess of their salaries, on the ground that there is an adequate remedy at law under the statute.

3. The fact that the suit embraced moneys paid for the period of 11 years did not render it barred by laches, though the books of the board had been open to the public.

4. The members of the board of supervisors of a county are not entitled to compensation in excess of that fixed by Va. Code 1904, p. 402, sec. 848, irrespective of what their services may have been reasonably worth, and irrespective of the custom of their predecessors.

5. In a suit by a number of taxpayers of a county to compel the members of the board of supervisors and a number of their predecessors to restore to the county moneys paid them in excess of their salaries, the county is practically the complainant, and, as against it, defendants could plead limitations.